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HOUSE BILL 8

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Daniel P. Silva

AN ACT

RELATING TO THE BOARD OF PHARMACY; CHANGING THE MEMBERSHIP OF THE BOARD OF PHARMACY TO INCLUDE A PHARMACIST FROM A CHAIN PHARMACY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-11-4 NMSA 1978 (being Laws 1969, Chapter 29, Section 3, as amended) is amended to read:

"61-11-4. BOARD CREATED-- MEMBERS-- QUALIFICATIONS-- TERMS-- VACANCIES-- REMOVAL. --

A. [~~There is created~~] The "board of pharmacy" is created. The board consists of nine members, each of whom shall be a citizen of the United States and a resident of New Mexico.

B. [~~Five~~] Four members shall be pharmacists appointed by the governor for staggered terms of five years

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1 each from lists submitted to the governor by the New Mexico
2 pharmaceutical association, which lists contain the names of
3 two pharmacists residing in each of the five pharmacy
4 districts. [~~One of the pharmacist members shall be appointed~~
5 ~~for a term ending July 1, 1970 and one pharmacist member shall~~
6 ~~be appointed for a term ending on July 1 of each of the~~
7 ~~following four years. Thereafter]~~ Appointments of pharmacist
8 members shall be made for five years or less each and made in
9 such a manner that the term of one pharmacist member expires
10 on July 1 of each year. One pharmacist member shall be
11 appointed from each pharmacy district. Each pharmacist member
12 of the board shall have been actively engaged in the
13 pharmaceutical profession in this state for at least three
14 years immediately prior to his appointment and shall have had
15 a minimum of eight years of practical experience as a
16 pharmacist. A vacancy shall be filled by appointment by the
17 governor for the unexpired term from lists submitted by the
18 New Mexico pharmaceutical association to the governor.
19 Pharmacist members shall reside in the district from which
20 they are appointed.

21 C. Three members of the board shall be appointed
22 by the governor to represent the public. The public members
23 of the board shall not have been licensed as pharmacists or
24 have any significant financial interest, whether direct or
25 indirect, in the profession regulated. A vacancy in a public

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1 member's term shall be filled by appointment by the governor
2 for the unexpired term. Initial appointments of public
3 members shall be made for staggered terms of five years or
4 less each and made in such a manner that not more than two
5 public members' terms shall expire on July 1 of each year.

6 D. One member of the board shall be a pharmacist
7 appointed at large from a list submitted to the governor by
8 the New Mexico society of health systems pharmacists. The
9 member shall be appointed by the governor to a term of five
10 years. A vacancy in the member's term shall be filled by
11 appointment by the governor for the unexpired term from a list
12 submitted to the governor by the New Mexico society of health
13 systems pharmacists.

14 E. Beginning July 1, 1999, one member of the board
15 shall be a chain pharmacy pharmacist appointed at large from a
16 list submitted to the governor by the New Mexico retail
17 association's chain drugstore pharmacy standing committee.
18 The member shall be appointed by the governor to a term of
19 five years. A vacancy in the member's term shall be filled by
20 appointment by the governor for the unexpired term from a list
21 submitted to the governor by the New Mexico retail
22 association's chain drugstore pharmacy standing committee.
23 For purposes of this subsection, "chain pharmacy" means a
24 corporate grouping of four or more pharmacies in the state.

25 [~~E.—There are created~~] F. Five pharmacy districts

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1 are created as follows:

2 (1) northeast district, which shall be
3 composed of the counties of Colfax, Guadalupe, Harding, Los
4 Alamos, Mora, Quay, Rio Arriba, Sandoval, San Miguel, Santa
5 Fe, Taos, Torrance and Union;

6 (2) northwest district, which shall be
7 composed of the counties of McKinley, San Juan, Valencia and
8 Cibola;

9 (3) central district, which shall be composed
10 of the county of Bernalillo;

11 (4) southeast district, which shall be
12 composed of the counties of Chaves, Curry, DeBaca, Eddy, Lea
13 and Roosevelt; and

14 (5) southwest district, which shall be
15 composed of the counties of Catron, Dona Ana, Grant, Hidalgo,
16 Lincoln, Luna, Otero, Sierra and Socorro.

17 [~~F.~~] G. No board member shall serve more than two
18 full terms, consecutive or otherwise.

19 [~~G.~~] H. Any board member failing to attend three
20 consecutive regular meetings is automatically removed as a
21 member of the board.

22 [~~H.~~] I. The governor may remove any member of the
23 board for neglect of any duty required by law, for
24 incompetency or for unprofessional conduct and shall remove
25 any board member who violates any provision of the Pharmacy

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Act. "